

## § 235.8

## 49 CFR Ch. II (10–1–09 Edition)

gates, or pipe-connected derails protecting a railroad crossing at grade;

(9) The installation of all relay type locking to replace existing mechanical or electromechanical locking of an interlocking;

(10) The installation of an additional controlled point in existing traffic control system;

(11) The installation of an interlocking in an existing block signal system;

(12) The conversion of a hand-operated switch, a hand-operated switch locked either electrically or mechanically, or a spring switch to a power-operated switch;

(13) The conversion of a spring switch to a hand-operated switch, or to a hand-operated switch locked either electrically or mechanically;

(14) The removal or relocation of signals associated with a spring switch converted to hand operation;

(15) The installation, relocation, or removal of signals to specifically provide adequate stopping distance;

(16) The change of aspects;

(17) The relocation of a signal to improve preview of signal aspect visibility;

(18) To replace a signal with a signal of another type;

(19) To change an approach signal to operative or inoperative signal, or remove an approach signal not required by § 236.310 of this title;

(20) The change in location of a machine from which an interlocking or traffic control system is controlled;

(21) The closing of a manual block station or the change in hours during which a manual block station is attended;

(22) The change in hours during which a manual interlocking is attended provided the interlocking operates for all routes over which train movements are permitted;

(23) The installation of devices used to provide protection against unusual contingencies such as landslide, burned bridges, high water, high and wide loads, or dragging equipment;

(24) The installation, relocation, or removal of signals, interlocked switches, derails, movable-point frogs, or electric locks in an existing system directly associated with:

(i) The installation of new track;

(ii) The elimination of existing track other than a second main track;

(iii) The extension or shortening of a passing siding;

(iv) Elimination of second main track where signal system mn retained main track is arranged to provide both opposing and following protection for train movements provided second main track is physically removed; or

(v) A line relocation; or

(vi) The conversion of pole line circuits to electronic (coded) track circuits provided that the railroad gives notice and a profile plan of the change to the FRA regional office having jurisdiction over that territory at least 60 days in advance of the change. The railroad must also at the same time provide a copy of the notice and profile plan to representatives of employees responsible for maintenance, inspection and testing of the signal system under 49 CFR part 236. The signal system modification will be deemed acceptable, unless within 60 days, the Regional Administrator stays action by written notice to the railroad and refers the issue to the Railroad Safety Board for decision.

(25) The temporary or permanent arrangement of existing systems necessitated by highway rail separation construction. Temporary arrangements shall be removed within six months following completion of construction.

[49 FR 3380, Jan. 26, 1984, as amended at 61 FR 33873, July 1, 1996]

### § 235.8 Relief from the requirements of part 236 of this title.

Relief from the requirements of the rules, standards and instructions contained in part 236 of this title will be granted upon an adequate showing by an individual carrier. Relief heretofore granted to any carrier shall constitute relief to the same extent as relief granted under the requirements of this part.

(Approved by the Office of Management and Budget under control number 2130-0043)

### § 235.9 Civil penalty.

Any person (an entity of any type covered under 1 U.S.C. 1, including but not limited to the following: a railroad;

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a manager, supervisor, official, or other employee or agent of a railroad; any owner, manufacturer, lessor, or lessee of railroad equipment, track, or facilities; any independent contractor providing goods or services to a railroad; and any employee of such owner, manufacturer, lessor, lessee, or independent contractor) who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least \$650 and not more than \$25,000 per violation, except that: Penalties may be assessed against individuals only for willful violations, and, where a grossly negligent violation or a pattern of repeated violations has created an imminent hazard of death or injury to persons, or has caused death or injury, a penalty not to exceed \$100,000 per violation may be assessed. Each day a violation continues shall constitute a separate offense. See appendix A to this part for a statement of agency civil penalty policy.

[63 FR 11623, Mar. 10, 1998, as amended at 69 FR 30595, May 28, 2004; 72 FR 51197, Sept. 6, 2007; 73 FR 79704, Dec. 30, 2008]

### § 235.10 Contents of applications.

(a) The application may be submitted by letter and shall contain the following information:

- (1) The corporate name of each applicant;
- (2) The manner in which applicant is involved;
- (3) The location of the project, giving name of operating division and nearest station;
- (4) The track or tracks involved;
- (5) A complete description of proposed changes as they would affect the existing facilities or of the section from which relief is sought;
- (6) The reason for proposed changes or justification for relief from the requirements;
- (7) The approximate dates of beginning and completion of project;
- (8) Changes in operating practices, temporary or permanent;
- (9) Whether safety of operation will be affected, and if so, how; and
- (10) Whether proposed changes will conform to the Federal Railroad Administration's Rules, Standards and Instructions (part 236 of this title).

(b) [Reserved]

(Approved by the Office of Management and Budget under control number 2130-0042)

### § 235.12 Additional required information-prints.

(a) A print or prints, size 8 inches by 10½ inches, or 8½ inches by 11 inches, or folded to 8 inches by 10½ inches or to 8½ inches by 11 inches, shall be furnished with each application.

(b) The print or prints shall be to scale or by indicated dimensions, using Association of American Railroads graphic symbols.

(c) The following information shall be shown on the print or prints:

- (1) Present and proposed arrangement of tracks and signal facilities;
- (2) Name of carrier;
- (3) Operating division;
- (4) Place and State; and
- (5) Timetable directions of movements.

(d) If stopping distances are involved, the following information shall also be shown:

- (1) Curvature and grade;
- (2) Maximum authorized speeds of trains; and
- (3) Length of signal control circuits for each signal indication displayed.

(e) The following color scheme is suggested on prints:

- (1) Installations, relocations, and added signal aspects should be colored, preferably in yellow;
- (2) Removals, discontinuances, and abandonments should be colored, preferably in red; and
- (3) Existing facilities not pertinent to change proposed in application should be shown uncolored.

(Approved by the Office of Management and Budget under control number 2130-0042)

### § 235.13 Filing procedure.

(a) Applications or requests for reconsideration of an application shall be submitted by an authorized officer of the carrier.

(b) The application and correspondence in reference thereto should be addressed to the Associate Administrator for Safety, Federal Railroad Administration, Washington, DC 20590.

(c) A separate application shall be filed for each project.